

A-1698

Removal of one 16.0-inch diameter Pear tree located  
in the rear yard of the property.

Mr. and Mrs. Richard W. Cass  
7 Magnolia Parkway

**CHEVY CHASE VILLAGE  
NOTICE OF PUBLIC HEARING**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 8<sup>th</sup> day of December, 2008 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-1698  
MR. AND MRS. RICHARD W. CASS  
7 MAGNOLIA PARKWAY  
CHEVY CHASE, MARYLAND 20815**

The applicants have filed an appeal pursuant to Section 17-4 (b) of the Chevy Chase Village Urban Forest Code to remove a Pear tree, which has a diameter of sixteen inches (16"), located in the rear yard of the property.

**The Chevy Chase Village Code § 17-4 (b) states:**

The Board of Managers shall have the authority to permit the removal or destruction of a tree or the undertaking of any action that will substantially impair the health or growth of a tree if, after a public hearing, the Board finds that such removal, destruction or other action will not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties and can be permitted without substantial impairment of the purpose and intent of this chapter.

Additional information regarding this case may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at [www.ccvillage.org](http://www.ccvillage.org) or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting property owners on the 26<sup>th</sup> day of November, 2008.

**Chevy Chase Village Office  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
301-654-7300**

**MAILING LIST FOR APPEAL A-1698**

**MR. AND MRS. RICHARD W. CASS  
7 MAGNOLIA PARKWAY  
CHEVY CHASE, MARYLAND 20815**

<b>Adjoining and confronting property owners</b>	
Mr. Burt A. Braverman Ms. Kathleen Meredith Or Current Resident 2 Magnolia Parkway Chevy Chase, MD 20815	Dr. and Mrs. Joel Rosenberg Or Current Resident 9 Magnolia Parkway Chevy Chase, MD 20815
Mr. Thomas L. Howard Or Current Resident 4 West Irving Street Chevy Chase, MD 20815	Mr. and Mrs. Adam Wenner Or Current Resident 2 Hesketh Street Chevy Chase, MD 20815
Mr. and Mrs. Stephen Sacks Or Current Resident 4 Magnolia Parkway Chevy Chase, MD 20815	Mr. and Mrs. William J. Grace, Jr. Or Current Resident 8 West Irving Street Chevy Chase, MD 20815
Mr. and Mrs. Jerome Bracken Or Current Resident 5 Magnolia Parkway Chevy Chase, MD 20815	Mr. and Mrs. Ben F. Dixon, IV Or Current Resident 5808 Connecticut Avenue Chevy Chase, MD 20815
Mr. and Mrs. William R. Maloni Or Current Resident 5 Chevy Chase Circle Chevy Chase, MD 20815	

I hereby certify that a public notice was mailed to the aforementioned property owners on the 26<sup>th</sup> day of November, 2008.



**Doris M. Lyerly  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815**

GEOFFREY B. BIDDLE  
*Village Manager*  
DAVID R. PODOLSKY  
*Legal Counsel*

CHEVY CHASE VILLAGE  
5906 CONNECTICUT AVENUE  
CHEVY CHASE, MD 20815  
Telephone (301) 654-7300  
Fax (301) 907-9721  
ccv@montgomerycountymd.gov

November 26, 2008

Mr. and Mrs. Richard W. Cass  
7 Magnolia Parkway  
Chevy Chase, MD 20815

BOARD OF MANAGERS  
DOUGLAS B. KAMEROW

*Chair*  
DAVID L. WINSTEAD  
*Vice Chair*  
SUSIE EIG  
*Secretary*  
GAIL S. FELDMAN  
*Treasurer*  
BETSY STEPHENS  
*Assistant Treasurer*  
PETER M. YEO  
*Board Member*  
ROBERT L. JONES  
*Board Member*


Dear Mr. and Mrs. Cass:

Please note that your appeal to remove one Pear tree located in the rear yard of your property is scheduled before the Board of Managers on Monday, December 8, 2008 at 7:30 p.m.

Either you or a representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony may be provided in support of your request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Doris M. Lyerly  
Permitting and Code Enforcement Specialist  
Chevy Chase Village

Enclosures

*Denial*

# Chevy Chase Village Tree Removal Permit Application

Permit Number: A-1698  
Date of Application: 11-18-08

Applicant Name: <u>RICHARD + Heather Cass</u>	
Address: <u>7 MAGNOLIA PARKWAY</u>	Phone: <u>301.656.6582</u>
Contractor (Required): <u>Bartlett Tree Service</u>	Phone: _____
Contact Person: _____	MD DNR License No. (Required) _____

## Chapter 17. Urban Forest §17-1 and 17-2. Permit Required

Chapter 17 applies to trees on private property with trunks that measure at least twenty-four (24) inches in circumference at four and one-half (4 ½) feet above ground level. § 17-2 reads: "no person shall remove or destroy, or cause the removal or destruction, of a tree or undertake any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager. No permit shall be required for normal and reasonable trimming or other tree care designed to maintain the health, shape, or balance of a tree."

### §17-3 Permit Standards

The Village Manager is authorized to issue a permit only if at least one (1) of the following conditions applies:

- ☐ The tree is damaged beyond restoration, insect infected beyond restoration, or injured beyond restoration;
- ☐ The tree is dead or dying or in danger of falling;
- ☐ The tree constitutes a hazard to the safety of persons;
- ☐ The tree constitutes a hazard and threatens the safety of property;
- ☐ The tree constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees;
- ☐ The tree is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner.

An applicant who is denied a tree removal permit by the Village Manager may appeal the Manager's decision to the Board in writing within ten (10) days of the denial for the application of the permit.

### Filing Requirements

- ☒ There is a \$50.00 per tree filing fee for a Chevy Chase Village Tree Removal Permit.
- ☐ Copy of the findings and recommendations report from either the Village staff or the Chevy Chase Village Consulting arborist.
- ☐ A completed Tree Removal Permit Application, including the selected tree contractor's name and phone number, and payment of filing fees.

By signing below, I understand that no work may be performed until the Village permit is issued and posted to be visible from the street.

Applicant's Signature: Heather Cass Date: 9/22/08

For use by HPC only:

Historic Area Work Permit required? Yes ☐ No ☐ \_\_\_\_\_ (HPC Initials)



(\* The pear tree has also had a condition in the past which turns its leaves black. We have been told it does not threaten its life, but it reduces its usefulness + appeal).

**Tree Removal Plans (including reforestation plan, if any)**

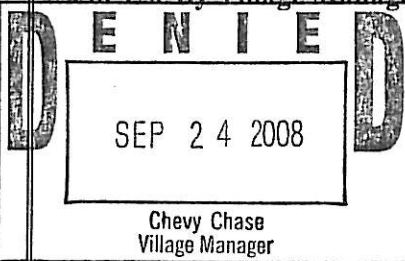
The tree in question is a pear tree which is very close to the addition we are building. Our landscape architect, Graham Landscape, has created a design which would permit us to remove a substantial amount of driveway and replace it with grass and trees, including a large shade tree with a much larger canopy than the pear tree has. ~~Mr. Jay Graham~~ has advised us to remove the pear to permit proper grading around the addition and make room for the new, large trees.\*

For Use By Village Manager

Approved with the following conditions:

For Use By Village Manager

Denied for the following reasons:



HENRY  
Ayl/Bide

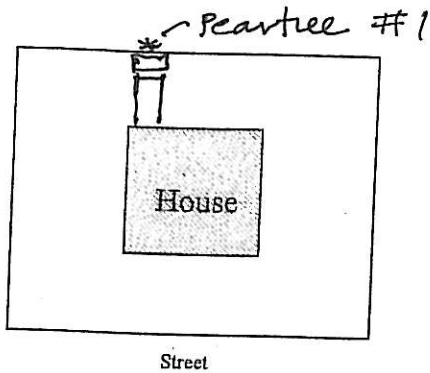
<b>Filing Fees</b>	<b>Checks Payable to:</b>	<b>Chevy Chase Village</b>
Permit Fee: 50 <sup>00</sup>	4388 / 4389	5906 Connecticut Avenue
Damage Deposit:		Chevy Chase, MD 20815
Appeal Fee: 250 <sup>00</sup>	Date: 9/22/08	
Total Fees & Deposits: 300 <sup>00</sup>	Staff Signature: Denis M. Rieger	

# Tree Inspection Request

Address 7 Magnolia Parkway Date 9/22/08  
 Resident's Name Heather Cass Phone #s 301.656.6582

Circle One: Private Property Village Street/Park Tree \_\_\_\_\_

Concern(s) Removal Request: to be replaced by large shade trees



Call taker to indicate location of tree(s) using "plat" and Number designation itemized below.

#1 - Pear  
 #2 - \_\_\_\_\_  
 #3 - \_\_\_\_\_

(Please list no more than three trees per page)

\*\*\*\*\* To be completed by arborist \*\*\*\*\*

Tree # 1: Type and Diameter Pear 16" DBH  
 Assessment: Tree is healthy  
Removal denied

Tree # 2: Type and Diameter \_\_\_\_\_  
 Assessment: \_\_\_\_\_

Tree # 3: Type and Diameter \_\_\_\_\_  
 Assessment: \_\_\_\_\_

If removal requested, - Approved		Denied	Permit Required?	
			Y	N
Tree 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tree 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tree 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature [Signature]

Date 9/23/08

7 Magnolia Parkway  
Chevy Chase, Maryland 20815  
November 7, 2008

Board of Managers  
Chevy Chase Village

Dear Dr. Kamerow and Members of the Board,

We write to request your **permission to remove a pear tree** from the rear of our property at 7 Magnolia Parkway. The tree is approximately three feet six inches from our kitchen addition, which is currently under construction. It is located between the addition and the macadam driveway/parking pad which is adjacent to our garage.

We do not make this request lightly. We have lived in our home for twenty-eight years and treasure the trees on our property and throughout the Village. Over the years, we have planted many trees and shrubs including five now-glorious Willow Oaks in our front yard (in public space, but planted and nurtured at our expense), as well as a magnificent London Plane/Sycamore tree on the rear terrace (which replaced a beautiful maple we lost in the storm of 1989). We believe that the removal of the pear tree will protect our house against potential damage and permit us to greatly enhance the garden and landscape.

We request that you take the following factors into consideration:

1. The location of our addition was dictated by our desire to site it in a way that would **minimize its impact on our neighbors** and by HPC's request that we **minimize its visibility from the street**.
2. These factors necessitated a closeness of the tree to the addition that means we are **unable to provide proper grading and drainage** around the addition. This **compromises the integrity of the foundation**.
3. The closeness of the tree to the addition means that major branches of the tree overhang the addition, creating **potential hazard of a limb or the tree falling on the house**.
4. Our landscape architect has created a plan (attached) which would remove the macadam parking area in front of the garage as well as the macadam driveway for the entire length of the side of our house, and replace it with grass, garden and a pedestrian path. This **will substantially reduce the impervious surfaces on the property**. The location and elevation of the **pear tree prevent the regrading of the site which is necessary for the implementation of this plan**.
5. We propose to **mitigate** the removal of the pear tree by the planting of more than **ten (evergreen) foster hollies** in this rear area. They will enhance our neighbors' privacy and provide year round greenery in what is currently an unsightly macadam parking court.



We thank you for your consideration and would be happy to provide any other information you need.

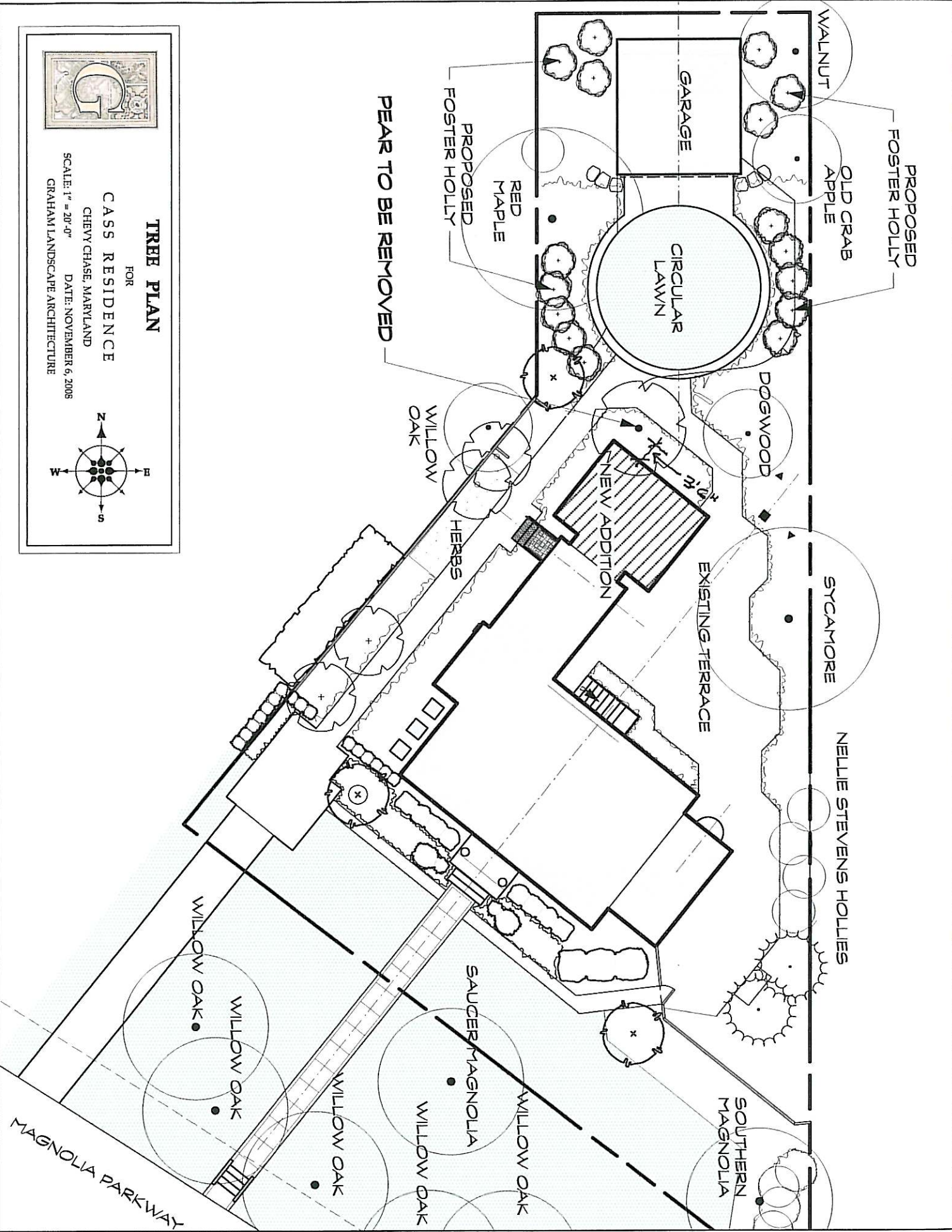
Sincerely,

A handwritten signature in cursive script that reads "Heather Willson Cass".

Heather Willson Cass

A handwritten signature in cursive script that reads "Richard Willis Cass".

Richard Willis Cass



PROPOSED  
FOSTER HOLLY

OLD CRAB  
APPLE

WALNUT

GARAGE

CIRCULAR  
LAWN

RED  
MAPLE

PROPOSED  
FOSTER HOLLY

PEAR TO BE REMOVED

DOGWOOD

SYCAMORE

NELLIE STEVENS HOLLIES

EXISTING TERRACE

NEW ADDITION

HERBS

WILLOW  
OAK

SAUGER MAGNOLIA

WILLOW OAK

WILLOW OAK

WILLOW OAK

WILLOW OAK

SOUTHERN  
MAGNOLIA

MAGNOLIA PARKWAY

# TREE PLAN

FOR

## CASS RESIDENCE

CHEVY CHASE, MARYLAND

SCALE: 1" = 20'-0" DATE: NOVEMBER 6, 2008

GRAHAM LANDSCAPE ARCHITECTURE

